

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
:
v. : CRIMINAL ACTION NO. 19-64
:
JOHN DOUGHERTY *et al.* :
:

PROTECTIVE ORDER

AND NOW, this 15th day of March, 2023, after having held a hearing on March 8, 2023 concerning access to an email account formerly operated by Defendant John Dougherty, it is hereby **ORDERED** that the Government shall produce to defense counsel in PST format the remainder of all emails in its possession from email account jjdoc@ibew98.org, including attachments, that have yet to be produced to the defense at any time in this case.

It is further **ORDERED** that the International Brotherhood of Electrical Workers Local Union 98 (“IBEW Local 98”) shall produce to defense counsel in PST format all email correspondence, including attachments, between jjdoc@ibew98.org and the individuals listed at the end of this order (each a “Covered Individual”) for the following time period: August 8, 2016 through November 15, 2021. An email is “between” jjdoc@ibew98.org and a Covered Individual if jjdoc@ibew98.org is present in the “to” or “from” field and a Covered Individual’s email address is present in the “to,” “from,” or “cc” field. In complying with this protective order, IBEW Local 98 is not waiving any privileges that may attach to the produced materials.

It is further **ORDERED** that counsel for Defendant Dougherty may make such use of the emails being provided by IBEW Local 98 as is necessary to prepare for trial and for use at trial, including the disclosure of the material to Defendant Dougherty pursuant to the terms of this Order. Any counsel, defendant, or other person to whom disclosure is made pursuant to this Order,

including Defendant Dougherty, may not use the discovery materials for any purpose other than preparation for or use at trial and may not disclose the discovery materials or information contained in the discovery materials to any third party, except as required to prepare for trial or for use at trial.

It is further **ORDERED** that other than Defendant Dougherty, the materials may not be disclosed to anyone outside of the law firm of Defendant Dougherty's counsel, other than as stated above. Defendant Dougherty may inspect and review the materials in the offices and in the presence of his attorneys, but, except with respect to emails involving purely personal matters unrelated to IBEW Local 98 (such as issues relating to his spouse or emails with his present or former personal attorneys relating to the criminal indictment in this criminal matter), may not possess copies of the materials, nor shall he photograph, copy, capture by video, or reproduce the materials in any way. Defense counsel shall maintain a log of every person to whom disclosure of the discovery materials is made and shall provide a copy of this order to every such person.

It is further **ORDERED** that counsel for Defendant Dougherty shall, at IBEW Local 98's option and upon the final disposition of all trial and appellate proceedings in this matter, return or destroy any and all non-personal emails sent to or from Defendant Dougherty's IBEW Local 98 business email address that were produced in accordance with this Order.

Emails involving the following Covered Individuals are to be included in the production by IBEW Local 98 as set forth above:

Christine Bott
Chris Rupe
Pat Bianculli
Lisa Ketterlinus
Tara Chupka
Dave Clapcich
Megan Mackin/Megan Redrow
Lindsey Lazer
Adam Bonin
Joseph Cleary

William Josem
Joel Frank
Tom Rumbaugh
Michelle Rumbaugh
Henry (“Hank”) Hockeimer
Lisa Cuifilo
Jack O’Neil
Marita Crawford
John Roberts
Peter Novak

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.